

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL GILL,

Plaintiff,

-against-

RUDOLPH W. GIULIANI, THE CITY OF NEW YORK,
P.O. MATTHEW T. MCCARTHY, DETECTIVE
MICHAEL LEVAY, SGT. FNU MILATTA, SGT.
JAMES COUGHLIN, SUPERVISOR(S) JOHN DOE(S),

Defendants.

X

**DECLARATION OF INNA
SHAPOVALOVA IN
SUPPORT OF CITY
DEFENDANTS' MOTION
TO DISMISS**

23 Civ. 4087 (LAK)

X

INNA SHAPOVALOVA, an attorney duly admitted to practice in the State of New York and in this Court, declares, pursuant to 28 U.S.C. §1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendants City of New York, Matthew McCarthy, Michael Levay, Charles Milatta and James Coughlin (the "City Defendants"). As such, I am familiar with the facts stated below. I submit this declaration in support of City Defendants' Motion to Dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. Annexed hereto as Exhibit "A" is a copy of the video surveillance footage from ShopRite located at 3010 Veteran's Road West in Staten Island, New York, recorded on June 26, 2022, which depicts, *inter alia*, the interaction between Plaintiff and Defendant Giuliani inside of the store on that date.

3. Annexed hereto as Exhibit "B" is a copy of Plaintiff's Complaint, which was filed on May 19, 2023 on the Civil Docket as Document No. 2.

Dated: New York, New York
August 21, 2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the City of New York
*Attorney for Defendants City, McCarthy, Levay,
Milatta, and Coughlin*
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By: /s/ Inna Shapovalova
Inna Shapovalova
Senior Counsel
Special Federal Litigation Division

cc: **BY ECF**
Ronald Laurence Kuby, Esq.
Rhidaya Shodhan Trivedi, Esq.
Attorneys for Plaintiff